

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

STEVEN INGRAM	§	
VS.	§	CIVIL ACTION NO. 1:13cv614
POTTER COUNTY DPS, ET AL.	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Steven Ingram, an inmate confined at the Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Potter County DPS, the Potter County Police Department, Police Officers of Borger, Texas, a Sergeant of Borger Police Department, one unknown female and two unknown male members of the Borger Police Department, the Chief of the Sheriff's Office, and the Hutchinson County Jailers.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Factual Background

Plaintiff complains that his constitutional rights were violated when he was pulled over while traveling toward New Mexico. Plaintiff also complains his constitutional rights were violated while he was confined at the Potter County Jail and the Hutchinson County Jail.

Analysis

The Civil Rights Act, 42 U.S.C. §1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claims arose. Plaintiff's claims arose in Potter County and Hutchinson County, Texas. Additionally, the defendants are located in Potter County and Hutchinson County, Texas. Pursuant to 28 U.S.C. § 124, both Potter County and Hutchinson County, Texas are in the Northern District of Texas, Amarillo Division. Accordingly, venue in the Eastern District of Texas is not proper.

When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). This case should be transferred to the Northern District of Texas, Amarillo Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 17th day of October, 2013.



Zack Hawthorn
United States Magistrate Judge